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**RE:** APPLICATION NO. 10/747,792

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Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

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JUN 19 2006

TABLE OF CONTENTS

	I.	REAL PARTY IN INTEREST .....	3
	II.	RELATED APPEALS AND INTERFERENCES.....	3
5	III.	STATUS OF CLAIMS.....	3
	IV.	STATUS OF AMENDMENTS .....	3
	V.	SUMMARY OF CLAIMED SUBJECT MATTER .....	3
	VI.	GROUND OF REJECTION TO BE REVIEWED.....	3
	VII.	ARGUMENT .....	4
10	VIII.	CLAIMS APPENDIX .....	10
	IX.	EVIDENCE APPENDIX (not applicable)	
	X.	RELATED PROCEEDINGS APPENDIX (not applicable)	

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

**I. REAL PARTY IN INTEREST**

The real party in interest is, Motorola, Inc.

5

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

10

**III. STATUS OF CLAIMS**

Claims 1-36 are pending. Claims 1-7, 9-24, and 26-36 are rejected and are the subject of the present appeal.

15

**IV. STATUS OF AMENDMENTS**

No amendments were filed subsequent to final rejection.

20

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

25

The inventions are drawn generally to a method and apparatus for controlling connection status using a flash with information message (page 1, lines 5-7). A connection is established (520, page 8, lines 11 and 12) with a first party (140). A flash with information message (400, page 7, line 1 - page 8, line 8) is transmitted (540, page 8, lines 11-17) on a reverse link signaling channel, the flash with information message including a connection control information record (410) that controls a connection status of the connected first party.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

30

Whether claims 1-7, 9-24, and 26-36 are allowable over Vainio et al. (U.S. Patent No. 6,577,721) under 35 U.S.C. § 102.

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

## VII. ARGUMENT

### Claim Limitations At Issue

5 In Claim 1, the limitations at issue are italicized below:

1. A method in a code division multiple access wireless communication device,  
comprising:  
establishing a connection with a first party; and  
10 *transmitting a flash with information message on a reverse link signaling*  
*channel*, the flash with information message including a connection control information  
record that controls a connection status of the connected first party.

15 In Claim 13, the limitations at issue are italicized below:

13. A method in a code division multiple access system, comprising:  
establishing a connection between a wireless communication device and a first  
party; and  
*transmitting a flash with information message on a forward link signaling*  
20 *channel*, the flash with information message including a connection control information  
record that indicates the connection status of the first party.

In Claim 18, the limitations at issue are italicized below:

25 18. A wireless communication device for code division multiple access wireless  
communication, the wireless communication device comprising:  
a transceiver;  
a controller coupled to the transceiver, the controller configured to establish a  
connection with a first party via the transceiver; and  
30 a connection status control module including  
a party identifier storage module configured to store a party identifier  
associated with the first party; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a flash with information message generation module configured to generate a flash with information message including a connection control information record that controls a connection status of the connected first party,

5 wherein the controller is further configured to transmit flash with information message on a reverse link signaling channel via the transceiver.

In Claim 30, the limitations at issue are italicized below:

10 30. An apparatus for code division multiple access communication, the apparatus comprising:

a controller configured to establish a connection between a wireless communication device and a first party; and

a network connection status control module coupled to the controller, the network connection status control module including

15 a party identifier storage, the party identifier storage including a unique value assigned to the first party, and

a flash with information generation module configured to generate a *flash with information message* for transmission on a forward link signaling channel, the flash with information message including a connection control information record that indicates the connection status of the first party.

In Claim 35, the limitations at issue are italicized below:

25 35. A method in a communication device, comprising:

establishing a connection with another communication device;

*transmitting a flash with information message on a reverse traffic channel*, the flash with information message including

a record type field indicating a party connection control record type,

30 a connection reference field that includes a identifier that identifies the another communication device, and

a connection control information field that indicates a desired connection status of the another communication device; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

displaying a connection status of the another communication device.

Examiner's Allegation

5           The Office Action rejected, under 35 U.S.C. § 102, of claims 1-7, 9-24, and 26-36 over Vainio et al. (U.S. Patent No. 6,577,721).

Applicants' Argument

10           Applicants assert Vainio does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of a connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

15           "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Vainio has absolutely no disclosure of a flash with information message and the original Office Action did not indicate a section of Vainio that includes this feature.

20           In fact, the only disclosure in Vainio of the transmission of any message at all is that of a "set-up message" at col. 4, lines 35-36, which discloses "The radio telephone then transmits to the network a set-up message which contains the called parties telephone number. The network routes the call to the desired telephone and assigns a traffic channel for the exchange of user data. If the called telephone is not busy the network alerts the calling radio telephone, typically by the user hearing a ringing tone. The connection is established when the called  
25           telephone is brought off the hook." However, this is not the disclosure of a flash with information message.

30           In fact, this is the opposite of a disclosure of flash with information message that includes a connection control information record that controls a connection status of a connected first party. In particular, Vainio only discloses "the connection is established" at col. 4, lines 41-42 after the set-up message is transmitted at col. 4, lines 35-37. Thus, the set-up message cannot be used in reference to a connected first party. More particularly, the set-

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

up message is transmitted before a connection is established. Therefore, the first party is not connected when the set-up message is transmitted. Accordingly, the set-up message cannot contain a connection control information record that controls a connection status of a connected first party.

5           Therefore, not only does Vainio have no disclosure of a flash with information message, but the only disclosure in Vainio of the transmission of any message at all cannot be a flash with information message that includes a connection control information record that controls a connection status of a connected first party.

10           Thus, Vainio does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of the connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

15           In the "Response to Arguments" section, the final Office Action selected an isolated section from Applicants' specification in an attempt to equate what is disclosed in Vainio et al. with a flash with information message. Unfortunately, this does not change the fact that Vainio et al. does not disclose a flash with information message. For example, the Office Action appears to be attempting to establish that actions performed in the Vainio et al. reference perform similar functions to a flash with information message. Regardless of whether that allegation is not true, the allegation in the Office Action appears to admit Vainio et al. does not disclose each and every element as set forth in the claim because the allegation only attempts to establish functional equivalence without actually providing the claimed element. Thus, Vainio et al. does not disclose a flash with information message.

20           Furthermore, Applicants assert the Office Action is improperly selected an isolated section of Applicants' application to define a claim term without establishing why the selected section provides a proper definition of the term.

25           Additionally, Applicants assert the cited sections in Vainio et al. do not even disclose what is selected from Applicants' specification, aside from whether or not the selected section is not a proper definition of the term. In particular, col. 3, lines 41-43 of Vainio et al. only disclose, "the calling party, via the radiotelephone, requests the telecommunication network to put this call on hold." This is not the disclosure of a flash with information message including a connection control information record. Furthermore, col. 4, lines 55-60 only disclose, "the control means 11 instructs the telecommunications network 18 to place this call on hold. This process is controlled by the control means 11 without any need for manual intervention."



Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

Again, this is not the disclosure of a flash with information message including a connection control information record.

Thus, Vainio et al. does not disclose transmitting a flash with information message including a connection control information record that controls a connection status of a connected first party, as recited in independent claim 1, and similarly recited in independent claims 13, 18, 30, and 35.

Applicants would like to emphasize that there is no evidence of record that discloses a flash with information message as understood in the telecommunications art. The Office Action only makes attempts to establish a functional equivalence between the cited art and isolated sections of Applicants' disclosure. However, this does not make up for the fact that Vainio et al. does not disclose each and every element of the claims. In particular, Vainio et al. does not disclose a "flash with information message."

Therefore, Applicants respectfully submit that independent claims 1, 13, 18, 30, and 35 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 102.

Kindly reverse and vacate the rejection of claims 1-7, 9-24, and 26-36 under 35 U.S.C. § 102, with instructions for the Examiner to allow claims 1-36.

20

### CONCLUSION


In view of the discussion above, the claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

The Commissioner is hereby authorized to deduct the fees for filing a brief in support of an appeal and any fees arising as a result of this Appeal Brief or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

5

Respectfully submitted,



10

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15

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Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

### VIII. CLAIMS APPENDIX

Claims involved in the appeal:

- 5           1.     A method in a code division multiple access wireless communication device,  
comprising:  
              establishing a connection with a first party; and  
              transmitting a flash with information message on a reverse link signaling  
channel, the flash with information message including a connection control information record  
10           that controls a connection status of the connected first party.
2.     The method according to claim 1, wherein the connection control information  
record comprises a multi-party connection control information record.
- 15           3.     The method according to claim 1, wherein the connection status includes one  
of a party audio mute status, a party hold status, a party active status, and a party disconnect  
status.
4.     The method according to claim 1, wherein the connection control information  
20           record includes a connection reference field having a unique identifier assigned to the first  
party.
5.     The method according to claim 1, wherein the flash with information message  
includes  
25           a connection reference field having a unique value assigned to the first party,  
and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a connection status field that indicates a desire to activate the connection status of the first party.

5           6.     The method according to claim 1, further comprising establishing a connection with a second party while maintaining the connection with the first party.

10           7.     The method according to claim 6, wherein transmitting the flash with information message further comprises transmitting the flash with information message on the reverse link signaling channel to place the second party on hold while activating a status of the first party.

            8.     The method according to claim 7, wherein the flash with information message includes  
15           a number of multi-party connection records field indicating the number of pairs of connection reference and connection status fields included in the flash with information message,

            a first connection reference field having a first unique value assigned to the first party,  
            a first connection status field associated with the first connection reference  
20           field, the first connection status field indicating a desire to activate the connection status of the first party,

            a second connection reference field having a second unique value assigned to the second party, and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a second connection status field associated with the second connection reference field, the second connection status field indicating a desire to place the second party into a hold status.

5           9.     The method according to claim 6, wherein transmitting the flash with information message further comprises transmitting the flash with information message on a reverse link signaling channel to activate a status of the first party while maintaining an active status of the second party.

10           10.    The method according to claim 1, wherein the reverse link signaling channel comprises a reverse dedicated signaling channel.

15           11.    The method according to claim 1, wherein the reverse dedicated signaling channel comprises a communication path that exists between a specific mobile station and a base station for the exchange of control information from the specific mobile station to the base station.

20           12.    (previously presented) The method according to claim 1, wherein the flash with information message comprises an extended flash with information message.

          13.    A method in a code division multiple access system, comprising:  
                  establishing a connection between a wireless communication device and a first party; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

transmitting a flash with information message on a forward link signaling channel, the flash with information message including a connection control information record that indicates the connection status of the first party.

5           14.    The method according to claim 13, wherein the connection control information record includes a connection reference field having a unique value assigned to the first party and a connection status field indicating the connection status of the first party.

10           15.    The method according to claim 13, wherein the connection status includes one of a party audio mute status, a party hold status, a party active status, and a party disconnect status.

15           16.    The method according to claim 13, further comprising assigning the unique value assigned to the first party.

17.    The method according to claim 13, further comprising:  
recognizing a request for a connection with a second party while continuing the connection between the wireless communication device and first party; and  
assigning a unique connection reference value to the second party.

20           18.    A wireless communication device for code division multiple access wireless communication, the wireless communication device comprising:

a transceiver;  
a controller coupled to the transceiver, the controller configured to establish a  
25 connection with a first party via the transceiver; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

- a connection status control module including
- a party identifier storage module configured to store a party identifier associated with the first party; and
- a flash with information message generation module configured to
- 5 generate a flash with information message including a connection control information record that controls a connection status of the connected first party,
- wherein the controller is further configured to transmit flash with information message on a reverse link signaling channel via the transceiver.
- 10 19. The wireless communication device according to claim 18, wherein the connection control information record comprises a multi-party connection control information record.
20. The wireless communication device according to claim 18, wherein the
- 15 connection status includes one of a party audio mute status, a party hold status, a party active status, and a party disconnect status.
21. The wireless communication device according to claim 18, wherein the connection control information record includes a connection reference field having a unique
- 20 identifier assigned to the first party.
22. The wireless communication device according to claim 18, wherein the flash with information message includes
- a connection reference field having a unique value assigned to the first party,
- 25 and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a connection status field that indicates a desire to activate the connection status of the first party.

23. The wireless communication device according to claim 18, wherein the  
5 controller is further configured to establish a connection with a second party via the transceiver while maintaining the connection with the first party.

24. The method according to claim 23, wherein transmitting the flash with  
information message further comprises transmitting the flash with information message on the  
10 reverse link signaling channel to place the second party on hold while activating a status of the first party.

25. The wireless communication device according to claim 24, wherein the flash  
with information message includes  
15 a number of multi-party connection records field indicating the number of pairs of connection reference and connection status fields included in the flash with information message,  
a first connection reference field having a first unique value assigned to the first party,  
20 a first connection status field associated with the first connection reference field, the first connection status field indicating a desire to activate the connection status of the first party,  
a second connection reference field having a second unique value assigned to the second party, and



Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a second connection status field associated with the second connection reference field, the second connection status field indicating a desire to place the second party into a hold status.

5           26.    The wireless communication device according to claim 23, wherein the controller is further configured to transmit the flash with information message by transmitting the flash with information message on a reverse link signaling channel to activate a status of the first party while maintaining an active status of the second party.

10           27.    The wireless communication device according to claim 18, wherein the reverse link signaling channel comprises a reverse dedicated signaling channel.

            28.    The wireless communication device according to claim 18, wherein the reverse dedicated signaling channel comprises a communication path that exists between a specific  
15   communication device and a base station for the exchange of control information from the specific communication device to the base station.

            29.    (previously presented) The wireless communication device according to claim 18, wherein the flash with information message comprises extended flash with information  
20   message.

            30.    An apparatus for code division multiple access communication, the apparatus comprising:  
  
                    a controller configured to establish a connection between a wireless  
25   communication device and a first party; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

a network connection status control module coupled to the controller, the network connection status control module including

a party identifier storage, the party identifier storage including a unique value assigned to the first party, and

5 a flash with information generation module configured to generate a flash with information message for transmission on a forward link signaling channel, the flash with information message including a connection control information record that indicates the connection status of the first party.

10 31. The apparatus according to claim 30, wherein the connection control information record includes a connection reference field including the unique value assigned to the first party and a connection status field indicating the connection status of the first party.

15 32. The apparatus according to claim 30, wherein the connection status includes one of a party audio mute status, a party hold status, a party active status, and a party disconnect status.

20 33. The apparatus according to claim 30, wherein the network connection status control module is further configured to assign the unique value assigned to the first party.

34. The apparatus according to claim 30,  
wherein the controller is further configured to recognize a request for a connection with a second party while continuing the connection between the wireless communication device and first party; and

Appl. No. 10/747,792  
Atty. Docket No. CS23057RL

wherein the network connection status control module is further configured to assign a unique connection reference value to the second party.

35. A method in a communication device, comprising:
- 5 establishing a connection with another communication device;
- transmitting a flash with information message on a reverse traffic channel, the flash with information message including
- a record type field indicating a party connection control record type,
- a connection reference field that includes a identifier that identifies the
- 10 another communication device, and
- a connection control information field that indicates a desired connection status of the another communication device; and
- displaying a connection status of the another communication device.
- 15 36. The method according to claim 35, further comprising:
- establishing a connection with a third communication device while maintaining a connection with the another communication device; and
- displaying the connection status of the third communication device.